APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/237,718	01/26/99	LANDSMAN	R UNICAST-1CIP

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EXAMINER
GELLNER, J

ART UNIT	PAPER NUMBER
2162	

DATE MAILED:

01/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	Application No.	Applicant(s)
Office Action Summary	09/237,718	LANDSMAN ET AL.
	Examiner	Art Unit
	Jeffrey L. Gellner	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*26 January 1999*</u> .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-105* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-105* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4,6,12* .

18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: .

DETAILED ACTION

Acknowledgement is made of the IDS documents entered 22 March 1999, 25 October

1999, and 11 December 2000, the Petition to Make Special entered 10 July 2000, and Petition

Granted entered 25 September 2000.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-35, 37-69, and 71-105 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In Claim 3, line 1, "the tag" is indefinite because it lacks prior antecedent basis.

In Claim 37, line 1, "the tag" is indefinite because it lacks prior antecedent basis.

In Claim 71, line 1, "the tag" is indefinite because it lacks prior antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-35, 36-69, and 70-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Murphy (5,305,195; Document AK on Applicant's 1st submitted IDS) in view of Cartellieri et al.

(McKinsey Quarterly).

As to Claim 2, Murphy discloses a computer readable medium (defined as software on

commercial computer 10; col. 4, lines 34-37) which when executed causes a client computer (12,

20, and 18) to download from a server (col. 3, lines 51-55) an information object (defined as

video information; col. 3, line 54-57); and in response to a user-initiated event (request by

student; col. 4, lines 59-60) during an interstitial interval (waiting time; col. 4, lines 56-60)

renders the information object through the output device (20; col. 4, lines 61-68). Not disclosed

is the computer readable medium used in an internet environment with web pages. Cartellieri et

al., however, disclose the use of an interstitial advertisement system in the internet environment

(page 3, lines 14-15). It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the medium of Murphy by use of it on the internet as disclosed by

Cartellieri et al. so as to increase the effectiveness of the advertisement.

As to Claim 3, the limitations of Claim 2 are disclosed as described above. Not disclosed

is an advertising tag. However, to use the interstitial interval for advertising on the internet, it

would be obvious to one skilled in the art to include tags since they are a known entity in web

pages. Therefore, tags would be inherent.

As to Claim 4, the limitations of Claim 3 are discloses as described above. Murphy as

modified by Cartellieri et al. further disclose an Ad Descriptor file (video file; col. 3, lines 59-

65).

As to Claims 5-20, the limitations of Claim 4 are disclosed as described above. Not disclosed are predefined applet tags, Transition Sensor applet, AD Controller applet, and an AD Controller. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include predefined applet tags, Transition Sensor applet, AD Controller applet, and an AD Controller either alone or in combination since they would inherently be needed the make the medium operate efficiently.

As to Claims 21-35, the limitations of Claim 4 are disclosed as described above. Not disclosed are browsing from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include browsing from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller either alone or in combination since they would inherently be needed the make the medium operate efficiently.

As to Claim 36, Murphy discloses a computer (10; col. 4, lines 34-37) which when executed causes a client computer (12, 20, and 18) to download from a server (col. 3, lines 51-55) an information object (defined as video information; col. 3, line 54-57); and in response to a user-initiated event (request by student; col. 4, lines 59-60) during an interstitial interval (waiting time; col. 4, lines 56-60) renders the information object through the output device (20; col. 4, lines 61-68). Not disclosed is the computer readable medium used in an internet environment with web pages. Cartellieri et al., however, disclose the use of an interstitial advertisement system in the internet environment (page 3, lines 14-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the medium of Murphy by use of it

on the internet as disclosed by Cartellieri et al. so as to increase the effectiveness of the advertisement. The apparatus of Murphy as modified by Cartellieri et al. inherently perform the method steps recited in Claim 36.

As to Claim 37, the limitations of Claim 36 are disclosed as described above. Murphy further discloses an advertising server (col. 3, lines 51-55) and an advertisement (col. 3, lines 55-57). Not disclosed is an advertising tag. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include tags since they are a known entity in web pages. Therefore, tags would be inherent.

As to Claim 38, the limitations of Claim 37 are disclosed as described above. Murphy as modified by Cartellieri et al. further disclose an Ad Descriptor file (video file; col. 3, lines 59-65).

As to Claims 39-54, the limitations of Claim 38 are disclosed as described above. Not disclosed are advertising tags, navigating from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include advertising tags, navigating from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller either alone or in combination since they would inherently be needed the make the medium operate efficiently.

As to Claims 55-69, the limitations of Claim 38 are disclosed as described above. Not disclosed are browsing from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include browsing from page to page, Transition

Sensor applet, AD Controller applet, and an AD Controller either alone or in combination since they would inherently be needed the make the medium operate efficiently.

As to Claim 70, Murphy discloses an apparatus comprising a processor and memory, *i.e.*, computer (10; col. 4, lines 34-37) which when executed causes a client computer (12, 20, and 18) to download from a server (col. 3, lines 51-55) a web page (defined as video information; col. 3, line 54-57); and in response to a user-initiated event (request by student; col. 4, lines 59-60) during an interstitial interval (waiting time; col. 4, lines 56-60) suspends downloading and renders the information object through the output device (20; col. 4, lines 61-68). Not disclosed is the computer readable medium used in an internet environment with web pages. Cartellieri et al., however, disclose the use of an interstitial advertisement system in the internet environment (page 3, lines 14-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the medium of Murphy by use of it on the internet as disclosed by Cartellieri et al. so as to increase the effectiveness of the advertisement.

As to Claim 71, the limitations of Claim 70 are disclosed as described above. Not disclosed is an advertising tag. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include tags since they are a known entity in web pages. Therefore, tags would be inherent.

As to Claim 72, the limitations of Claim 71 are discloses as described above. Murphy as modified by Cartellieri et al. further disclose an Ad Descriptor file (video file; col. 3, lines 59-65).

As to Claims 73-88, the limitations of Claim 72 are disclosed as described above. Not disclosed are predefined applet tags, navigating from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include advertising tags, navigating from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller either alone or in combination since they would inherently be needed the make the medium operate efficiently.

As to Claims 89-105, the limitations of Claim 72 are disclosed as described above. Not disclosed are browsing from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller. However, to use the interstitial interval for advertising on the internet, it would be obvious to one skilled in the art to include browsing from page to page, Transition Sensor applet, AD Controller applet, and an AD Controller either alone or in combination since they would inherently be needed the make the medium operate efficiently.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petrecca et al., Radziewicz et al., Schena et al., Klug et al., D Angelo, Judson disclose in the prior art various methods and/or devices using interstital intervals.
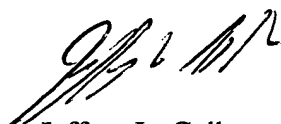
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose telephone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.
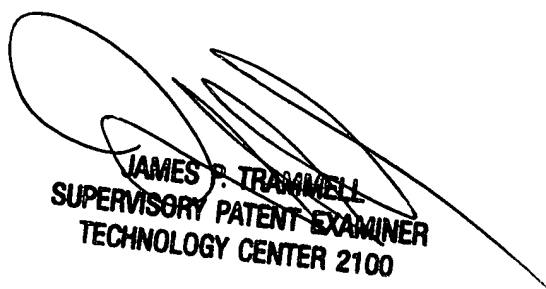
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

Supervisor, James P. Trammell, can be reached at 703.305.9768. The fax phone number for the

Technology Center where this application or proceeding is assigned is 703.308.1369.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703.305.3900.

Jeffrey L. Gellner, J.D.

JAMES P. TRAMMELL
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